

Message Text

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47

ACTION SCI-06

INFO OCT-01 EUR-25 ISO-00 AID-20 CEQ-02 CIAE-00 COA-02

COME-00 DODE-00 EB-11 EPA-04 INR-10 IO-14 L-03 NSF-04

NSC-07 NSAE-00 PM-07 RSC-01 SS-20 SP-03 FEA-02 AEC-11

PA-04 PRS-01 USIA-15 DRC-01 /174 W

----- 103872

R 051807Z APR 74

FM AMEMBASSY BONN

TO SECSTATE WASHDC 1626

INFO USMISSION EC BRUSSELS

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E. O. 11652: N/A

TAGS: SENV, GW

SUBJECT: PROSPECTIVE US-FRG ENVIRONMENTAL AGREEMENT

REF: A. STATE 65951

1. SUMMARY: FRG FOREIGN OFFICE OFFICIALS INVITED EMBASSY S&T COUNSELOR TO CALL FOR DISCUSSION OF PRELIMINARY GERMAN VIEWS ABOUT MOST RECENT US DRAFT OF PROSPECTIVE US-FRG ENVIRONMENTAL AGREEMENT. FONOFF AND INTERIOR MINISTRY REPS PROPOSED SEVERAL REVISIONS. FINAL FRG POSITION ON US DRAFT TEXT WILL BE DETERMINED DURING INTERMINISTERIAL MEETING SCHEDULED FOR APRIL 18. NO SERIOUS PROBLEMS ARE FORESEEN BUT URGENT ACTION WILL BE REQUIRED TO COMPLETE AGREEMENT AND PREPARATION OF AN APPROVED FINAL TEXT FOR SIGNATURE ON MAY 9. FRG WELCOMES VISIT BY EPA ADMINISTRATOR RUSSELL TRAIN TO SIGN AGREEMENT TOGETHER WITH AMBASSADOR ON MAY 9-10. END SUMMARY.

2. EMBOFF AND FRG REPS REVIEWED DRAFT TEXT PREPARED IN ACCORDANCE WITH STATE 020929, 059919 AND 65951.

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FOLLOWING ARE INFORMAL COMMENTS BY FONOFF AND MININT

OFFICIALS PENDING APRIL 18 INTER-MINISTERIAL MEETING
WHICH WILL DETERMINE FINAL FRG POSITION.

A. TITLE: MININT, WHICH RESPONSIBLE FOR
ENVIRONMENTAL AFFAIRS, WOULD PREFER "ENVIRONMENTAL
AFFAIRS (ANGELEGENHEITEN)" RATHER THAN "ENVIRONMENTAL
PROTECTION."

B. SECOND PARAGRAPH OF PREAMBLE: FONOFF REP
REMARKED THAT EUROPEAN COMMUNITIES WERE A UNION, NOT
RPT NOT A "GROUP OF STATES." FRG WOULD ALSO PREFER TO
ACKNOWLEDGE THE EXISTENCE AND WORK OF THE INTERNATIONAL
AGENCIES. FRG WILL SUBMIT TEXT OF PROPOSED AMENDMENT
ASAP.

C. THIRD PARA OF PREAMBLE: FRG REPS NOTED OMISSION
OF REACTOR SAFETY RESEARCH, REGULATION, RADIATION
PROTECTION AND RELATED TOPICS FROM BODY OF DRAFT
PROPOSED BY US. THEY REITERATED THEIR INTEREST IN
INCLUSION OF THIS TOPIC, PREFERABLY IN ARTICLE II.
S&T COUNSELOR EXPLAINED THAT THIS QUESTION HAD BEEN
CAREFULLY CONSIDERED BY USG. WE WOULD NOT RPT NOT
BE ABLE TO COMPLY WITH THIS REQUEST. AFTER SOME
DISCUSSION OF THE POINT, S&T COUNSELOR SUGGESTED
(AD REFERENDUM) THAT US PROPOSED TEXT OF PREAMBLE
MIGHT BE EXPANDED SLIGHTLY TO READ...NUCLEAR
REACTOR SAFETY RESEARCH, DEVELOPMENT AND
REGULATION..." THIS MORE COMPLETE DESCRIPTION OF
FULL SCOPE OF PLANNED US-FRG COOPERATION IN THIS AREA
MIGHT HELP MEET FRG MINISTRY OF INTERIOR'S STRONG
DESIRE TO HAVE THIS AGREEMENT REFLECT THEIR
INTERESTS AND RESPONSIBILITIES. FRG REPS REPORTED THAT
PROPOSED TEXT OF AEC-MININT AGREEMENT FOR
COOPERATION IN REGULATORY ASPECTS OF REACTOR SAFETY
WAS ALMOST READY FOR RESUMED DISCUSSIONS WITH USAEC.
THEY PROMISED TO DISCUSS THIS PROPOSED SOLUTION TO
PROBLEM DURING APRIL 18 MEETING.

D. FOURTH PARA OF PREAMBLE AND ARTICLE I: DELETE
"PROTECTION", SUBSTITUTE "AFFAIRS."

E. ARTICLE II.A.7: FRG REPS NOTED THAT NOT ALL
ENVIRONMENTAL CONSEQUENCES OF ENERGY PRODUCTION,
CONVERSION AND CONSUMPTION COULD BE DESCRIBED AS
"POLLUTION." THEY PROPOSED DELETION OF "POLLUTION
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RELATED TO..." AND SUBSTITUTION "ENVIRONMENTAL EFFECTS
OF..."

F. ARTICLE II.E: GERMAN FEDERAL GOVERNMENT IS NOT
RESPONSIBLE FOR EDUCATION. FRG REPS FEARED PROBLEMS
WITH THE STATES (LAENDER) IF PRESENT PHRASEOLOGY IS
USED. FRG WILL SUBMIT PROPOSED REVISION ASAP.

G. ARTICLE III: FRG PREFERS TO PROVIDE FOR
REVIEW MEETINGS UNDER ARTICLE V. THEY SUGGEST DELETION

OF WORD "MAJOR" AND DELETION OF PHRASE "... AND TO
REVIEW ACTIVITIES AND ACCOMPLISHMENTS UNDER THIS
AGREEMENT..." FROM ARTICLE III.A.
H. ARTICLE IV. FRG REPS NOTED THAT THE LISTS OF
SPECIFIC STEPS TO PROMOTE HARMONIZATION OF ENVIRONMENTAL
MEASURES, WHICH APPEARED IN SOME EARLIER DRAFTS, HAVE
BEEN OMITTED FROM ARTICLE IV. THEY MUST RESERVE THEIR

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POSITION ON THIS POINT PENDING APRIL 18 MEETING.
I. ARTICLE V: FRG PREFERS TO DELETE PHRASE "...
ITS POINT OF COORDINATION..." FROM FIRST SENTENCE
AND SUBSTITUTE, IN SUBSTANCE, "...THE NAMES OF ONE
OR MORE COORDINATORS..." THEY BELIEVE FRG WILL
EVENTUALLY NEED TO DESIGNATE SEVERAL COODINATORS
FOR DIFFERENT ASPECTS OF COOPERATIVE US-FRG
ENVIRONMENTAL PROGRAMS. FRG ALSO WISHES TO REINTRODUCE
CONCEPT OF MEETINGS AMONG THE COORDINATORS TO REVIEW
PROGRAM. THEY PROPOSE TO ADD, AS PENULTIMATE SENTENCE
OF ARTICLE V: "AS MUTUALLY AGREED, JOINT MEETINGS OF
THE COORDINATORS MAY BE HELD TO REVIEW CURRENT AND
FUTURE ACTIVITIES UNDER THIS AGREEMENT."

J. ARTICLE IX: FRG REQUESTS DELETION OF PHRASE
"...WESTERN SECTORS OF..." AND SUBSTITUTION OF "...
LAND..."
EMBASSY COMMENT: LATTER IS PHRASE CURRENTLY USED
IN US-FRG BILATERAL AGREEMENTS.
K. ARTICLE X: FRG REQUESTS THAT AGREEMENT PROVIDE
FOR AUTOMATIC FIVE YEAR EXTENSION AS DID US-USSR
ENVIRONMENTAL AGREEMENT.

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3. IN SUMMARY: FRG WILL PROVIDE REVISED TEXT FOR SECOND
PARA PREAMBLE AND FOR ARTICLE II.E. USG IS REQUESTED TO
APPROVE SEVERAL MINOR REVISIONS AND TO PROVIDE REVISED
TEXT FOR MENTION OF REACTOR SAFETY REGULATION IN
PREAMBLE, FOR DESIGNATION OF COORDINATORS AND
COORDINATORS⁷ REVIEW MEETINGS AND FOR AUTOMATIC FIVE-
YEAR EXTENSIONS. AT LEAST ONE POINT REMAINS OPEN, I.E.,
POSSIBLY MORE DETAIL ABOUT STEPS TO HARMONIZE
ENVIRONMENTAL MEASURES IN ARTICLE IV. AFTER MINISTERIAL
APPROVAL OF AGREEMENT, ON APRIL 18, FRG WILL PROVIDE
GERMAN-LANGUAGE TEXT FOR USG REVIEW AND APPROVAL.
PREPARATION OF THE FINAL TEXTS FOR SIGNATURE ON MAY 9
WILL REQUIRE URGENT ACTION AT THIS POINT.

4. FRG WELCOMES VISIT BY EPA ADMINISTRATOR RUSSELL
TRAIN TO SIGN AGREEMENT ON MAY 9 OR MAY 10. FONOFF
EXPLAINED THAT PROTOCOL FOR GOVERNMENT-GOVERNMENT
AGREEMENT WOULD PROBABLY REQUIRE SIGNATURE BY FRG
FOREIGN MINISTER OR DEPUTY FOREIGN MINISTER, TOGETHER
WITH AMERICAN AMBASSADOR. FRG INTERIOR MINISTER
GENSCHER WOULD PROBABLY CO-SIGN WITH MR. TRAIN. THESE
DETAILS WILL BE DISCUSSED AT APRIL 18 MEETING. MININT
WILL ALSO INVESTIGATE WHETHER OECD MEETING NOW
SCHEDULED IN PARIS ON MAY 9-10 COULD BE POSTPONED
TO PERMIT PRESENCE AT CEREMONY OF PETER MENCKE-
GLUECKERT.

5. EMBASSY WOULD APPRECIATE COMMENTS ABOUT FRG VIEWS
ASAP.
HILLENBRAND

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